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9 THE TIMBERLAND COMPANY
10 (Correctly named and identified as Timberland Retail, Inc.)

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DAVID LEE, an individual, on behalf of
himself and on behalf of others similarly
situated.,

Plaintiffs,

v.

THE TIMBERLAND COMPANY, a New
Hampshire corporation conducting business
in the State of California, and Does 1-100,

Defendants.

Case No. C07 02367 HRL

Date: To Be Set
Time: To Be Set
Judge: Unknown

**REQUEST TO APPEAR VIA
TELEPHONE FOR CASE
MANAGEMENT CONFERENCE**

Counsel for Defendant, THE TIMBERLAND COMPANY, respectfully requests to appear via telephone for the Case Management Conference scheduled for January 18, 2008 in this matter.

Counsel may be reached at (415) 765-9569. Counsel is directed to contact Court Call to arrange for hearing. Court Call can be reached at 866-582-6878.

Dated: January 14, 2008

AKIN GUMP STRAUSS HAUER & FELD LLP

By Fraser A. McAlpine
Fraser A. McAlpine

Attorneys for Defendant
THE TIMBERLAND COMPANY
(Correctly named and identified as
Timberland Retail, Inc.)

1/15/08 IT IS SO ORDERED BY: Judge Jeremy Fogel, US District Court.

1 PROOF OF SERVICE

2 STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

3 I am employed in the County of San Francisco, State of California. I am over the age of 18 and
4 not a party to the within action; my business address is: 580 California Street, Suite 1500, San
5 Francisco, California 94104. On January 14, 2008, I served the foregoing document(s) described as:
REQUEST TO APPEAR VIA TELEPHONE FOR CASE MANAGEMENT CONFERENCE on
6 the interested party(ies) below, using the following means:

7 Stephen B. Morris
8 Mark C. Hinkley
9 MORRIS AND ASSOCIATES
10 444 West C Street, Suite 300
11 San Diego, California 92101

12 Walter Haines
13 UNITED EMPLOYEES LAW GROUP
14 65 Pine Avenue, #312
15 Long Beach, CA 90802

16 BY UNITED STATES MAIL I enclosed the documents in a sealed envelope or package addressed to the
17 respective address(es) of the party(ies) stated above and placed the envelope(s) for collection and
18 mailing, following our ordinary business practices. I am readily familiar with the firm's practice of
19 collection and processing correspondence for mailing. On the same day that correspondence is placed
20 for collection and mailing, it is deposited in the ordinary course of business with the United States
21 Postal Service, in a sealed envelope with postage fully prepaid at San Francisco, California.

22 BY OVERNIGHT DELIVERY I enclosed the document(s) in an envelope or package provided by an
23 overnight delivery carrier and addressed to the respective address(es) of the party(ies) stated above. I
24 placed the envelope or package for collection and overnight delivery at an office or a regularly utilized
25 drop box of the overnight delivery carrier.

26 BY MESSENGER SERVICE I served the documents by placing them in an envelope or package addressed
27 to the respective address(es) of the party(ies) stated above and providing them to a professional
28 messenger service for service.

29 BY FAX Based on an agreement of the parties to accept service by fax transmission, I faxed the
30 documents to the respective fax number(s) of the party(ies) as stated above. No error was reported by
31 the fax machine that I used. A copy of the record of the fax transmission(s), which I printed out, is
32 attached.

33 BY ELECTRONIC MAIL OR ELECTRONIC TRANSMISSION. Based on a court order or an agreement of the parties
34 to accept service by e-mail or electronic transmission, I caused the document(s) to be sent to the
35 respective e-mail address(es) of the party(ies) as stated above. I did not receive, within a reasonable
36 time after the transmission, any electronic message or other indication that the transmission was
37 unsuccessful.

38 I declare that I am employed in the office of a member of the bar of this court at whose
39 direction the service was made.

40 Executed on January 14, 2008, at San Francisco, California.

41 HOLLY B. TOSCHI
42 [Print Name of Person Executing Proof]

43 [Signature]